

### REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 28-54 are pending in this application. Claims 28-29, 31-32, 34, 38-39, 41-42, 44-46, 48-49, and 51 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication 2003/0206509 A1 to Lee et al. (herein "Lee") in view of U.S. Patent 7,215,634 B2 to Van Woudenberg (herein "Van Woudenberg '634"). Claims 30, 33, 35-37, 40, 43, 47, 50, and 52-54 were rejected under 35 U.S.C. § 103(a) as unpatentable over Van Woudenberg '634 in view of Lee, and further in view of U.S. Patent No. 6,724,707 to Van Woudenberg et al. (herein "Van Woudenberg '707"). Those rejections are traversed by the present response as discussed next.

Each of independent claims 28, 38, and 45 is herein amended to clarify certain features recited therein. Specifically, those claims now incorporate certain features previously recited in dependent claims 32, 42, and 49, respectively, and specifically each of independent claims 28 and 45 now further recite:

wherein the fixed length buffer area disposed immediately before a respective of the blocks includes a preamble for signal processing, and plural synchronization patterns having distances and identification information that are different from each other are recorded at the preamble.

Independent claim 38 now also recites a similar feature. As noted above, such features were recited in for example previously pending dependent claim 32, 42, and 49 and are also discussed in the present specification at the paragraph bridging pages 30 and 31. As noted in that portion in the specification, with such a claimed structure of utilizing plural synchronization patterns in a preamble, and the plural synchronization patterns having distances and identification information that are different from each other, even in the case in which one synchronization pattern cannot be detected by disturbance among the plural synchronization patterns, and even in the case in which the remaining synchronization

patterns are detected and IDs of the synchronization pattern that can be detected cannot be normally read out, synchronization of a cluster can still be established.

The above-noted claimed features of providing the noted plural synchronization patterns having distances and identification information that are different from each other in a preamble are believed to be neither taught nor suggested by the applied art.

With respect to the above-noted feature the outstanding Office Action states:

In regards to claims 32, 42, and 49, Lee discloses a fixed length buffer area (Paragraph [0035]). However, Lee does not but Van Woudenberg ['634] discloses the optical recording medium, apparatus and method, wherein the buffer area disposed immediately before block includes guard area for overlap at the time of recording (Fig. 7, Column 9, lines 25-32), and preamble for signal processing (Fig. 7, PrA), and plural synchronization patterns (Column 2, lines 42-46) having distances and identification information which are different from each other are recorded at the preamble (It is inherent that the preamble contains identification information). The motivation is the same as claim 28 above.<sup>1</sup>

Applicants submit the above-noted grounds for rejection is misconstruing the teachings in Van Woudenberg '634 as Van Woudenberg '634 does not disclose or suggest the use of such plural synchronization patterns having distances and identification information that are different from each other recorded at a preamble.

The outstanding Office Action as noted above specifically cites Van Woudenberg '634 at column 2, lines 42-46 to disclose plural synchronization patterns, and quoting that portion Van Woudenberg '634 specifically states:

Fig. 6 shows a principal recording pattern of this general method wherein a recording unit block (i.e., a physical cluster) always ends with a *postamble* (PoA), i.e., a specific pattern to signal the end of user data (a kind of *synchronization pattern*)... [Emphasis added].

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<sup>1</sup> Office Action of July 9, 2008, middle of page 4.

The above cited passage in Van Woudenberg '634 discloses providing a kind of synchronization pattern in a *postamble* (PoA). That disclosure in Van Woudenberg differs from the claims that require the plural synchronization patterns in a *preamble*. For such reasons alone, Van Woudenberg '634 does not meet the claimed features.

Moreover, Van Woudenberg does not disclose or suggest the use of *plural* synchronization patterns. Van Woudenberg appears to disclose the use of a single synchronization pattern in a postamble.

Moreover, Van Woudenberg does not disclose or suggest the further recited claimed features that the plural synchronization patterns have “*distances and identification information which are different from each other*”. Again Van Woudenberg appears to only disclose a single synchronization pattern and does not disclose or suggest plural synchronization patterns having distances and identification information that are different from each other.

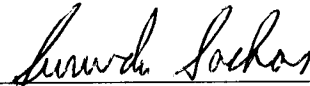
In such ways, the relied upon teachings in Van Woudenberg '634 do not correspond to the features now clarified in the claims directed to a preamble including plural synchronization patterns having distances and identification information that are different from each other.

Thereby, the claims as currently written positively recite features neither taught nor suggested by the applied art, and thus the claims as written are believed to be allowable over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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